

CITY OF FRIDLEY
CHARTER COMMISSION MEETING
MARCH 7, 2016

1. CALL TO ORDER:

Chairperson Reynolds called the Charter Commission meeting to order at 7:00 p.m.

2. ROLL CALL:

Members Present: Commissioners Gary Braam, Don Findell, Manuel Granroos, Ted Kranz, Rick Nelson, David Ostwald, Barb Reiland, Pam Reynolds, Lois Scholzen, Cynthia Soule, Avonna Stark and Richard Walch

Members Absent: Commissioners Marion Flickinger and Novella Ollawore

Others Present: Deb Skogen, City Clerk/Staff Liaison

3. APPROVAL OF AGENDA

Commissioner Reiland MOVED and Commissioner Braam seconded a motion approving the meeting agenda.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED.

4. APPROVAL OF MINUTES

Commissioner Braam MOVED and Commissioner Soule seconded a motion approving the Charter Commission meeting minutes of February 1, 2016.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED.

5. ADMINISTRATIVE MATTERS

A. Election of Officers

Commissioner Walch MOVED and Commissioner Ostwald seconded a motion to move the nominating committee report recommending the nomination of Pam Reynolds for Chair, David Ostwald for Vice Chair and Don Findell for Secretary.

Chairperson Reynolds opened the nominations asked if there were any additional nominations. Hearing none, Chairperson Reynolds closed the nominations.

Commissioner Findell MOVED and Commissioner Granroos seconded a motion that the officers recommended by the nominating committee be approved by acclamation.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED.

The Nominating Committee was thanked for their service.

B. Commission Vacancy

Ms. Skogen stated that the vacancy had not been advertised and will work to get it on the web and in the Focus again. She had not had any individuals provide an application for the vacancy.

C. Update on Charter Amendment

Ms. Skogen stated the Charter Amendment received a second reading at the end of February. It was published and becomes effective 90 days after publication, which would be the end of May. The City Manager will continue to appoint new employees under the same process that has been used, until the end of May. At that time he has the opportunity to change that process and he is trying to determine how he will notify the Council.

6. OLD BUSINESS

There was no old business on the agenda.

7. NEW BUSINESS

A. Discussion of Bylaws

Chairperson Reynolds asked if any of the Commissioners wanted to know if they had any additional questions or changes to the proposed bylaws.

Commissioner Reiland was curious about the name Home Rule Charter Commission. She said she had only seen Commission and wondered if the full title should be used or listed more often. After a brief discussion the Commissioners determined they could continue to identify as the Charter Commission.

Commissioner Reiland asked if the purpose should include something stating it meets the rules of the state. She wondered if the state were to change rules, if it would affect our Charter.

Ms. Skogen said if it pertained strictly to the Charter, that information would be brought to the Commissioners for their review. Otherwise, if it were not pertaining to the Charter, the City can be more restrictive than State Statute.

Commissioner Soule said she thought the Commission had adopted Rosenberg's Rules. Ms. Skogen said the bylaws had been amended in April of 2014, but had missed providing that to the Commissioners.

Ms. Skogen said the proposed amendments were provided as a separate sheet.

Chairperson Reynolds noticed that the Secretary should be keeping track of attendance as their duty is to notify individuals who have missed three consecutive meetings.

Chairperson Reynolds said under Committees there is nothing that spells out the process for the election of officers and wondered if it was covered under Rosenberg's Rules that the Commission take the recommendation of the Nominating Committee and then to the Commission for additional nominations?

Ms. Skogen says an annual meeting is held in March. Ms. Skogen suggested she could add some language to Section III.B.

Commissioner Findell wondered if the Committee meetings should be listed

Commissioner Soule said the Commissioners review the next calendar year at the end of the year and schedule meetings based on holidays or other events.

Ms. Skogen said the Commission is only required to meet annually, but depending on what the Commission was working on, they may want to meet eight times a year or less. It has been the practice over the past 18 years to meet eight times a year. Upon occasion there have been special meetings called to address some issues.

Commissioner Nelson wondered if the Chair could appoint a Nominating Committee outside of a meeting. What is the role of the Chair outside of the meeting? Does that mean you can only do it in January, if there isn't a meeting? Ms. Skogen stated it doesn't say you can't, but it doesn't talk about creating a committee. She said if they wanted to clarify the ability they should put it in the bylaws.

Ms. Skogen said this year there wasn't a quorum in January, so the appointment of the Nominating Committee did not occur until February. The Nominating Committee then held their meeting at the end of the Charter Commission's meeting to provide a report to the staff to mail to the Commissioners giving them at least 10 days notice prior to the annual meeting.

Ms. Skogen said that the Nominating Committee is a subcommittee of the Commission (or a committee of the whole). As a subcommittee, they would have a number of

members and if a quorum were present, the subcommittee would be subject to the open meeting law. For instance if you had three members, two members present would be a quorum and thereby subject to the Open Meeting Law. There should be a meeting notice posted for that subcommittee for when they are meeting.

Chairperson Reynolds disagreed with that interpretation. She felt the Nominating Committee would not have a quorum as they would not be making any decisions. Commissioner Nelson said they were making a recommendation to the Commission.

Commissioner Nelson looked up the question and found the "MN Supreme Court has held that the Open Meeting Law applies only to a quorum or more of members of a governing body or committee, subcommittee, board, department or commission of the governing body." In addition, a serial meeting of the governing body has been found to be a violation of the open meeting law.

Commissioner Nelson wondered what it meant procedurally. He asked if when they decided to meet they should call the City to post the meeting 72 hours in advance. Ms. Skogen stated because it happened on the same date and it was on the agenda, there had been enough notice provided.

Commissioner Reiland asked if the meeting could no longer be done by telephone. Ms. Skogen stated they could not; they would have to post their meeting notice and be in an open forum. She said an individual could call another individual to see if they would be interested in being an officer, but they would have to meet as a committee in an open forum to establish their recommendation and report.

Ms. Skogen said she would provide the information to the Commissioners on what was provided to her in training.

Ms. Skogen said the Commissioners were discussing when the election of officers should take place and recommended they include language that it takes place at the annual meeting under Section III. B.

Chairperson Reynolds wondered if the Commission needed the Nominating Committee Report read. Ms. Skogen thought they would only need to say when it will take place.

Commissioner Nelson said the Committee has the report and they make a motion on behalf of the committee for a slate of officers. Since it came from at least two individuals it had already been voted on and would not have to be voted on again.

After some discussion the Commissioners agreed to include the following language to Section III.B. "The election of officers shall take place at the annual meeting."

Chairperson Reynolds wondered (about Section III.F.) if there were enough individuals that called or emailed providing for a quorum, but then did not come to the meeting, that

the Commissioners would wait ten minutes and then dismiss the members due to the lack of quorum.

Ms. Skogen said there were so many meetings that produced a lack of quorum the Commission amended the bylaws allowing for the dismissal and created a procedure to send a memo. The memo requests the members notify staff by 10 am the morning of the meeting of their intent to attend. If staff does not have enough members to provide for a quorum at the meeting, staff will call or email a notice to members cancelling the meeting due to the lack of quorum and post the notice on the door. If the individuals who create a quorum to not all come and there is a lack of quorum, the meeting would be dismissed ten minutes after 7 pm.

Chairperson Reynolds asked if this procedure should be placed in the Bylaws.

Commissioner Kranz did not think it should be and stated Ms. Skogen has done a good job of informing the Commissioners if there will not be a quorum. He said if an email went out stating there wasn't a quorum yet, individuals could respond. He said he did see enough responded to have a quorum and he did not need to respond but did come to the meeting.

Commissioner Soule said it was a procedure the Commission set up and was following and did not see the need to have it included in the Bylaws.

Chairperson Reynolds said she had asked about no individual shall serve two consecutive terms in the same office. The only reason she asked was that none of the other Commissions have term limits.

Ms. Skogen thought the language was meant to provide for a leadership role or training ground to become a leader so that you do not have one individual that serves more as a permanent chair.

Chairperson Reynolds thought it was more of an annual hassle to nominate individuals, or weather is bad, that maybe you could nominate an individual for two years rather than one.

Commissioner Reiland said you could nominate an individual for two years, but what would happen if their Commission term was up, you would then have to have an election at another time of the year rather than at the annual meeting.

Chairperson Reynolds asked if an individual could serve for two years as Secretary, two years as vice chair and two years as chair.

Commissioner Soule said that was correct. You could then not serve another office until there was a gap in service.

Commissioner Reiland asked if once the officers are elected they take their office directly after the election.

Commissioner Findell said yes that is what happens. For this election the Chair did not change so Chairperson Reynolds is still leading the meeting.

The proposed changes to Section V.B. prepared by Commissioner Findell was then reviewed.

Chairperson Reynolds asked if the staff liaison should be designated by the City Clerk.

Ms. Skogen stated that the responsibility of the Charter Commission was under her job description so it would be correct.

After reviewing the sections it was felt that there should be a semi-colon at the end of each section and the word "and" should be added prior to the end of each section.

Chairperson Reynolds stated the proposed changes clarifies and acknowledges what the staff liaison does for the Commission.

Commissioner Kranz says the only thing we don't do is have the Chair recognize us when we want to talk and felt it was very informal. The Commissioners agreed nothing needed to be added or changed for this purpose.

Commissioner Soule had a concern that there may be a time, as in the past, where there were two individuals running for an office.

Commissioner Nelson recommended the following amendment to Section V.A.6.: "Any contested race for an office will be done by a written ballot. The acting Chair will ask for a teller committee of two to count the ballots."

There was a question about no secret votes. Commissioner Nelson said that would pertain to motions and resolutions, but not elections.

The Commissioners discussed the order of business in Section VIII to have it reflect how the agendas are currently structured. The order of business shall be amended as follows:

1. Call to Order by Chair.
2. Roll Call.
3. Approval of ~~Minutes~~ Agenda.
4. ~~Report of Officers~~ Approval of Minutes.
5. ~~Report of Committee~~ Administrative Matters.
6. ~~Consideration of Communications~~ Old Business.
7. ~~Old Business~~ New Business.
8. ~~New Business~~ Future Meeting Topics.

9. Adjournment.

Chairperson Reynolds wondered how you would put something on the agenda if there was a letter that was received for a group of individuals who came to the meeting and wanted to address some issue or topic.

Ms. Skogen stated that prior to the approval of the agenda; the Chair could place an item on the Agenda for approval. That item could be placed under Administrative Matters or under New Business depending on what the Commissioners wanted.

Commissioner Braam was concerned that the Bylaws could be amended at any regular meeting.

Ms. Soule said the bylaws have to be provided to the Commissioners in writing at least two weeks prior to the next meeting. She thought it might be a good idea to review the bylaws annually. Commissioner Braam suggested reviewing them at the annual meeting.

Commissioner Nelson MOVED and Commissioner Walch seconded a motion authorizing the city clerk to make the proposed changes to the bylaws to be presented at the next meeting as outlined in the current bylaws.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED.

8. **FUTURE MEETING TOPICS**

Administrative Matters - Vacancy

Old Business – Discussion of Proposed Bylaw Amendments

New Business – Review of Chapter 2

9. **ADJOURNMENT:**

Commissioner Kranz MOVED and Commissioner Braam seconded a motion to adjourn the meeting.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED AND THE MEETING WAS ADJOURNED AT 8:13 P.M.

Respectfully submitted,

Debra A. Skogen, City Clerk/Staff Liaison

Donald Findell, Commissioner and Secretary